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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/720,561	11/24/2003	Wai Hui	2030.78	5726
27683	7590	04/21/2004	EXAMINER	
HAYNES AND BOONE, LLP 901 MAIN STREET, SUITE 3100 DALLAS, TX 75202			FRANCIS, FAYE	
		ART UNIT	PAPER NUMBER	
		3712		

DATE MAILED: 04/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/720,561	HUI, WAI	
	Examiner	Art Unit	
	Faye Francis	3712	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 24 November 2003.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-11 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-11 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 24 November 2003 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____ .

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DETAILED ACTION

Specification

1. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: proper antecedent basis should be provided in the specification for the teaching that the axle having an additional pair of wheels fixedly disposed thereon, as now recited in claim 2. No new matter should be entered into the application.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

3. Claims 1 and 2 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the rear wheels" in lines 4-5. There is insufficient antecedent basis for this limitation in the claim.

With respect to claim 2: the scope of the claim is unclear with respect to the phrase "the axle having an additional pair of wheels fixedly disposed thereon" because it appears that the applicant is claiming four rear wheels [two pairs]. However, from the specification and the drawing the toy car only includes a pair of front and a pair of rear wheels. Clarification of the scope of the claim is required in response to this office action.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-8 and 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rehkemper et al, hereinafter Rehkemper in view of Gray et al, hereinafter Gray and Edmisson et al, hereinafter Edmisson.

Rehkemper discloses in Figs 1-7B, a radio-controlled toy car and controller kit, the kit comprising: an unassembled toy car [see the abstract] comprising a chassis [Fig 1] having a pair of wheels [rear wheels], a motor [FA-130 motor] adapted to be removably inserted into the chassis [the motor is inherently capable of being removed from the chassis] and a controller [col 2 [0015]] for transmitting radio signals to the toy car as recited in claim 1. Additionally, Rehkemper discloses an axle, an additional pair of wheels [the front wheels] as recited in claim 2, an axle gear, a drive gear and transfer gear [Fig 1] as recited in claims 5-6 respectively. Also, Rehkemper discloses a circuit board cover, which corresponds to the claimed motor retaining clip as recited in claim 8

Rehkemper may not disclose a pair of hubcaps adapted to be removably secured to the wheels, and a pair of tires adapted to be removably secured to the rear wheels.

Edmisson is cited to show desirability, in the relevant art, to provide a toy vehicle's wheels with tires [col 2 line 9]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the wheels in the device of

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Rehkemper with the tires as taught by Edmisson in order to make the device more realistic.

Gray teaches the concept of providing to provide a toy vehicle's wheels with hubcaps 24 [col 2 line 34]. It would have been obvious to further provided the wheels in the modified device of Rehkemper with the hubcaps as taught by Gray in order to make the device more realistic.

6. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rehkemper in view of Gray and Edmisson as applied to claims 1-8 and 10-11 above and further in view of Lam.

Modified device of Rehkemper has all the elements of this claim but for a wrist strap.

Lam teaches that it is conventional to attach a controller 200 to a wrist via a strap [mounting tapes 209 and 210]. It would have been obvious in view of Lam to further provide the device of Rehkemper with wrist strap to attach the controller to the hand of a user making the device more enjoyable for the children to play with.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Faye Francis whose telephone number is 703-306-5941. The examiner can normally be reached on M-F 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on 703-308-1745. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

FF



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